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SERVICE DATE – AUGUST 18, 2017

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

Docket No. AB 1240X

SOUTHWEST PENNSYLVANIA RAILROAD COMPANY—ABANDONMENT
EXEMPTION—IN FAYETTE COUNTY, PA.

Decided: August 18, 2017

Southwest Pennsylvania Railroad Company (SWP) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon .3 miles of rail line between milepost 7 in Uniontown to the end of the line in South Union Township, in Fayette County, Pa. (the Line). Notice of the exemption was served and published in the Federal Register on December 6, 2016 (81 Fed. Reg. 87,997).

By decision and notice of interim trail use or abandonment (NITU) served on January 4, 2017, the proceeding was reopened and the Board authorized South Union Township (SUT) to negotiate with SWP for acquisition of the right-of-way for use as a trail under the National Trails System Act, 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29.¹ By decision served on July 13, 2017, the NITU negotiating period was extended to October 1, 2017.

In a petition filed on July 25, 2017, SWP requests that the Board modify the NITU by removing from the NITU the trackage within the City of Uniontown, between milepost 7 and the border of South Union Township at Survey Station 2032+20, and permitting SWP to consummate the abandonment of that trackage. SWP states that the parties to the trail use negotiations have agreed that a trail use agreement will cover only the portion of the Line within South Union Township. Accordingly, SWP states that it seeks to exercise its exemption and consummate the abandonment of the Line within the City of Uniontown.

SWP's request complies with the requirements of 49 C.F.R. § 1152.29(d)(2) to modify the NITU for a portion of the Line. Therefore, this proceeding will be reopened and a replacement NITU will be issued for the portion of the Line within South Union Township. Thus, SWP may consummate the authority it has received to abandon the portion of the Line between milepost 7 and the border of South Union Township at Survey Station 2032+20, and

¹ That decision also imposed an environmental consultation condition regarding salvage that remains in effect.

must notify the Board of the date of consummation.² Pursuant to 49 C.F.R. § 1152.29(d)(2), copies of this decision will be served on SWP and SUT.

It is ordered:

1. This proceeding is reopened.
2. The NITU served on January 4, 2017, is vacated.
3. A replacement NITU for the portion of the Line within South Union Township is issued.
4. Interim trail use/rail banking is subject to the future restoration of rail service and to the sponsor's continuing to meet the financial obligation for the right-of-way.
5. If the trail sponsor intends to terminate trail use, it must send the Board a copy of this decision and request that it be vacated on a specified date.
6. SWP may fully abandon the trackage within the City of Uniontown, between milepost 7 and the border of South Union Township at Survey Station 2032+20.
7. This decision and notice is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

² SWP is reminded that it has 60 days after satisfaction, expiration, or removal of the legal or regulatory barrier (here, the NITU) to consummate the abandonment of the trackage within the City of Uniontown.